

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

OCT - 3 2007

Case No. 5627
Date Filed 9/25/07
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code _____

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☒ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

CASE 5627 MAP 49 TYPE Variance ELECTION DISTRICT 03

LOCATION 713 Burnside Drive, Bel Air 21015

BY Evelyn and Harry Donnelly

Appealed because a variance pursuant to Sec. 267-36(B) Table V of the Harford
County Code to permit a covered porch to maintain a front yard setback of 28' (32'
required) in the R2 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Evelyn M. Donnelly Phone Number 410-879-3447
Address 713 Burnside Dr Bel Air MD 21015
Street Number Street City State Zip Code

Co-Applicant Harry P. Donnelly Phone Number 410-879-3447
Address 713 Burnside Dr Bel Air MD 21015
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 713 Burnside Dr Bel Air, MD 21015
Greenridge 2-501A-03-094464 Plot 21/85
Subdivision 513 P 31/29 Lot Number 235
Acreage/Lot Size 105' Front Election District 03-20 Zoning R 2
120' Back
Tax Map No. 49 Grid No. 1F Parcel 848 Water/Sewer: Private Public ✓
116' Side
100' Side
List ALL structures on property and current use: Storage Shed
Libet 1058 Folio 1064

Estimated time required to present case: 30 min
If this Appeal is in reference to a Building Permit, state number No
Would approval of this petition violate the covenants and restrictions for your property? No
Is this property located within the County's Chesapeake Bay Critical Area? Yes No ✓
If so, what is the Critical Area Land Use designations: N/A
Is this request the result of a zoning enforcement investigation? Yes No ✓
Is this request within one (1) mile of any incorporated town limits? Yes No ✓

Request

_____ We are requesting a minor variance to construct a covered front porch consisting of a
_____ concrete slab approximately 7 ft W X 18 ½ ft L which would encroach into the front yard
_____ setback. This slab would be covered with a gable roof with overhang consistent with the
_____ house front. Included in this application for a porch roof are photographs of other homes
_____ in the Greenridge II Development that have added front porches. Also included are
_____ letters showing concurrence for the construction of a porch from neighbors whose
_____ properties are adjacent to 713 Burnside Dr.

Justification

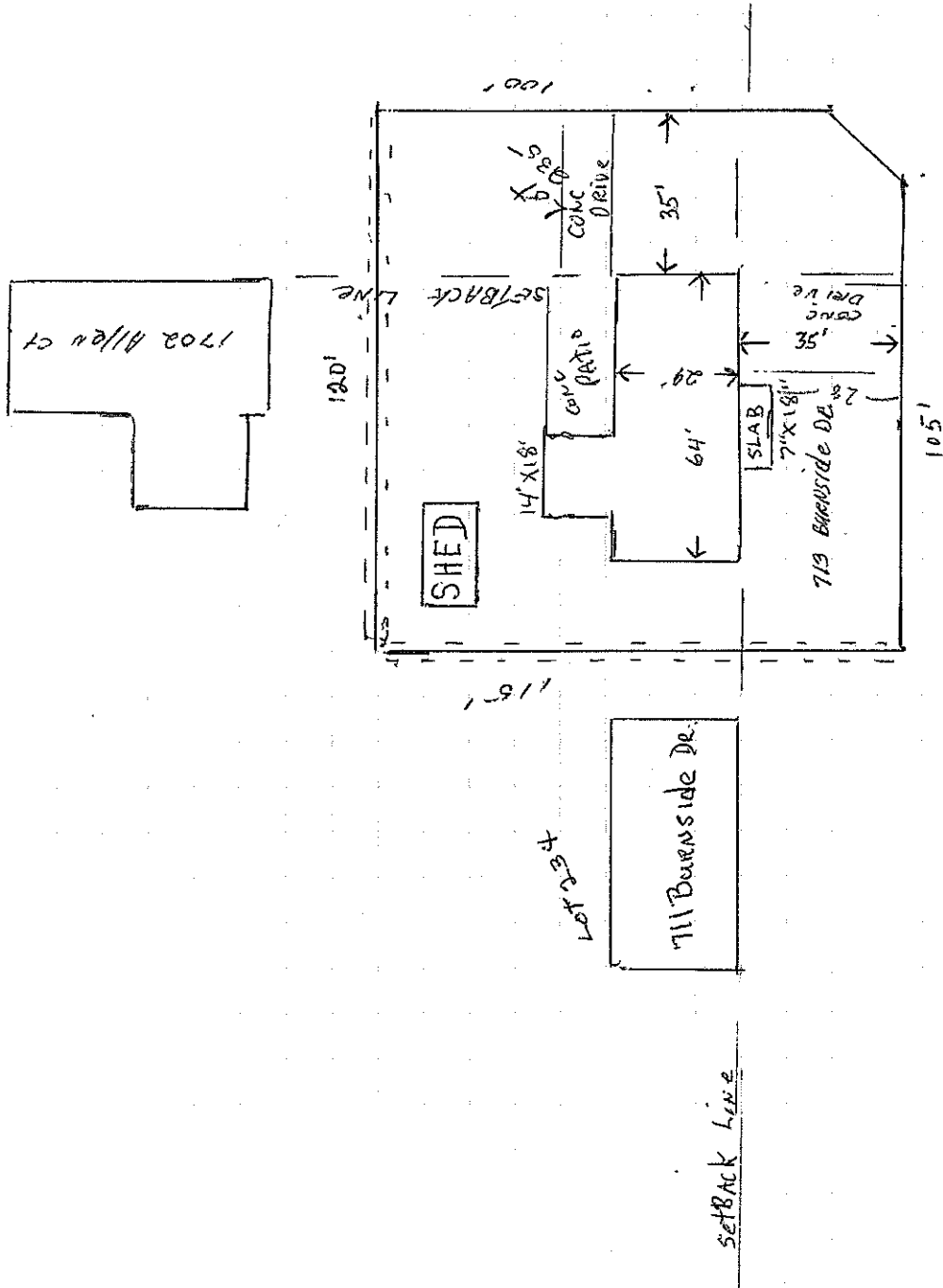
_____ To protect the front foundation and basement from water and dampness. Also a porch
_____ roof would protect the bow window (recently replaced) and the living room furniture and
_____ rugs from the intense heat caused by afternoon sunlight as well as provide some
_____ protection from the amount of snow and ice accumulation on the porch slab. The porch
_____ roof construction requested would be similar to others on the street and would enhance
_____ rather than take away from the appearance of the development.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Site Plan

Date
9/25/07

SCALE 1" = 40'



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

November 1, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5627

APPLICANT/OWNER: Evelyn M. Donnelly
713 Burnside Drive, Bel Air, Maryland 21015

Co-APPLICANT: Harry P. Donnelly
713 Burnside Drive, Bel Air, Maryland 21015

REPRESENTATIVE: Applicants

LOCATION: 713 Burnside Drive – Greenridge II
Tax Map: 49 / Grid: 1F / Parcel: 848 / Lot: 235
Election District: Three (3)

ACREAGE: 12093.75± square feet
0.28± acres

ZONING: R2/Urban Residential District

DATE FILED: September 25, 2007

HEARING DATE: December 5, 2007

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"We are requesting a minor variance to construct a covered front porch consisting of a concrete slab approximately 7 ft W x 18 ½ ft L which would encroach into the front yard setback. This slab would be covered with a gable roof with overhang consistent with the house front. Included in this application for a porch roof are photographs of other homes in the Greenridge II

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

STAFF REPORT

Board of Appeals Case Number 5627

Evelyn & Harry Donnelly

Page 2 of 4

Development that have added front porches. Also included are letters showing concurrence for the construction of a porch from neighbors whose properties are adjacent to 713 Burnside Drive."

Justification:

"To protect the front foundation and basement from water and dampness. Also a porch roof would protect the bow window (recently replaced) and the living room furniture and rugs from the intense heat caused by afternoon sunlight as well as provide some protection from the amount of snow and ice accumulation on the porch slab. The porch roof construction requested would be similar to others on the street and would enhance rather than take away from the appearance of the development."

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36(B), Table V of the Harford County Code to permit a covered porch to maintain a front yard setback of 28 feet (35 feet required) in the R2/Urban Residential District.

Enclosed with the report is copy of Section 267-36(B), Table V of the Harford County Code (Attachment 1).

Section 267-23C(1)(a)[2] of the Code allows porches to encroach 3 feet into the setback.

C. Exceptions and modifications to minimum yard requirements.

(1) Encroachment. [Amended by Bill No. 88-17]

(a) The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:

[2] Bay windows, balconies, chimneys or porches: three (3) feet.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located in the Greenridge II development. The lot is situated on the northeast corner of Burnside Drive and Allen Court. A location map, a copy of the Applicant's site plan and a copy of the record plat are enclosed with the report (Attachments 2, 3 and 4).

The subject property is located within the Development Envelope. The predominant land uses are Low and Medium Intensities. The Natural Features Map reflects Stream Systems and Sensitive Species Project Review Areas. The subject property is designated as Low Intensity which is defined by the 2004 Land Use Plan as:

STAFF REPORT

Board of Appeals Case Number 5627

Evelyn & Harry Donnelly

Page 3 of 4

Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of the 2004 Land Use Map, the Natural Features Map and the Churchville-Creswell Community Area Map (Attachments 5, 6 and 7).

Land Use – Existing:

The uses in this area of the County conform to the overall intent of the Master Plan. Residential uses include single family dwellings, townhouses, garden apartments and condominiums. Commercial uses include individual retail, shopping centers, convenience stores, and restaurants. The area contains institutional uses such as schools, churches and parks. The topography of the area ranges from rolling to steep especially near the stream valleys. A copy of the aerial photograph and a topography map are enclosed with the report (Attachments 8 and 9).

The Applicants lot is a corner lot with frontage on Allen Court and Burnside Drive. The lot is square in shape and approximately 0.28 of an acre in size. The topography of the lot ranges from level to gently sloping. It rises upward gently from both roads and levels off around the house. Most of the rear yard is level and only at the rear portion of the lot does it rise to the lot adjoining to the rear. The improvements consist of a brick and frame 1-story dwelling with an attached 2-car garage and a frame sunroom with basement addition on the rear (permit issued in 2006 see Attachment 10). Attached to the front of the house is a 7 foot wide by 18 foot long raised concrete pad. There is a double wide concrete driveway from Burnside Drive and a single wide driveway to the rear of the dwelling from Allen Court. Situated to the left and rear of the dwelling along the property line is a large frame storage building. Enclosed with the report are aerial photos, site photographs and a topography map of the subject lot (Attachments 11, 12 and 13).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes RO/Residential Office, R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood and B2/Community Business Districts. The subject property, is zoned R2/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 14).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36(B), Table V of the Harford County Code to permit a covered porch to maintain a front yard setback of 28 feet (35 feet required) in the R2/Urban Residential District.

STAFF REPORT

Board of Appeals Case Number 5627

Evelyn & Harry Donnelly

Page 4 of 4


Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Applicants have requested a variance to construct a covered porch to the front of their dwelling. The Applicants have provided letters (Attachment 15) from neighbors indicating they have no objection to the construction of the porch. The roof design and construction will be similar to other porches in the neighborhood.

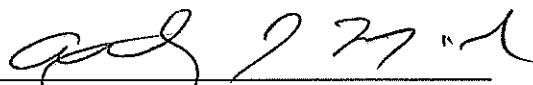
The Department finds that the subject property is unique. There have been 13 variances granted for similar relief within this community. The most recent request was granted in case #5509 (Attachment 16). The water problem appears to be a common issue in this neighborhood. The proposed porch will be similar to other porches in the area and will not adversely impact the adjacent properties or the intent of the code.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the Applicants obtaining all necessary permits and inspections for the new porch.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf